

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN

In re:

DAVID W. CHARRON,  
  
Debtor.

GLENN S. MORRIS and THE GLENN S.  
MORRIS TRUST,

Plaintiffs,

v.

DAVID W. CHARRON,  
  
Defendant.

Case No. 14-07970

Chapter 7

Honorable James W. Boyd

Adversary Proceeding No. 15-80086-JWB

**GLENN S. MORRIS'S RESPONSE TO  
DEFENDANT/DEBTOR'S DAVID W. CHARRON'S MOTION TO  
AMEND THE COURT'S FINDINGS UNDER RULE 52 AND  
AMEND JUDGMENT UNDER RULE 59**

Plaintiff Glenn Morris, individually and as trustee for the Glenn S. Morris Trust (collectively, "Morris") offers this brief response to *Defendant/Debtor's David W. Charron's Motion to Amend the Court's Findings Under Rule 52 and Amend Judgment Under Rule 59* (the "Motion"). Having lost his bid for summary judgment, David W. Charron ("Debtor") now seeks to have the Court recast his loss in a light he finds more favorable. His Motion is not unexpected, given years of prior litigation. And, like his prior litigation and appeals (and those that will undoubtedly follow), this Motion should also be summarily denied.

The Debtor provides no cognizable reasons as to why this Court should make numerous unnecessary factual findings or otherwise amend the *Opinion Denying Defendant's Motion for Summary Judgment and Granting Plaintiffs' Cross Motion for Summary Judgment* ("Opinion," Doc. No. 15) it drafted. The Debtor asks the Court to make findings irrelevant to the questions issues raised in the parties' cross motions for summary judgment, such as a finding that the

Debtor's law firm had a security interest in the assets of Morris, Schnoor & Gremel. Motion, ¶ 2. Even if true, the Injunctive Order<sup>1</sup> still forbade the Debtor's facilitation of the sale of these assets. Some of the requested changes actually attempt to negate the Court's findings. *Compare* Motion, ¶ 14 (asserting that the state court record contained no reason as to why the Injunctive Order was issued "with a perpetual duration") *with* Opinion, p. 4 (finding that, at a state court hearing, counsel for Morris requested that the Injunctive Order remain in effect until further order of the court and that no one objected); *compare* Motion, p. 10, ¶ 1 (asking the Court to delete the phrase "consistent with the parties' agreement" from the Opinion despite the Court's finding that the Debtor neither objected to the initial entry of the Injunctive Order nor to the state court's later explicit extension of the Injunctive Order.)

The Court's Opinion was sought by consent and its Opinion has been given. There is no reason for the Court to indulge the Debtor and put a gloss on its Opinion, merely because the Debtor is unhappy with the outcome. Thus, Morris, by his attorneys, Miller, Canfield, Paddock and Stone, P.L.C., objects to the Debtor's Motion and requests that the Court DENY it and grant such further relief as may be just.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Ronald A. Spinner  
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Dated: October 28, 2015

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<sup>1</sup> Capitalized terms not otherwise defined have the meanings given to them in the Opinion.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 28, 2015 he filed the foregoing ***GLENN S. MORRIS'S RESPONSE TO DEFENDANT/DEBTOR'S DAVID W. CHARRON'S MOTION TO AMEND THE COURT'S FINDINGS UNDER RULE 52 AND AMEND JUDGMENT UNDER RULE 59*** with the court, using the court's CM/ECF System which will serve notice of the filing upon all registered participants in this matter. The undersigned further certifies that on the same date, the following persons were served with a copy of the document via first class mail:

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